UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES AND THE STATE OF NEW YORK, ex rel., MARY ANN KINGSLEY,

Plaintiffs,

-v-

14-CV-6079(FPG)

ROCHESTER GENERAL HEALTH SYSTEM and INDEPENDENT LIVING FOR SENIORS, INC. d/b/a ELDERONE,

Defendants.

UNITED STATES' NOTICE OF INTERVENTION IN PART
FOR PURPOSES OF SETTLEMENT AND DECLINATION IN PART

The United States, the State of New York, Relator, and Defendants have reached a settlement agreement to resolve this action. In light of this agreement, and for the purpose of effectuating and formalizing that resolution, pursuant to the False Claims Act, 31 U.S.C. §§ 3730(b)(2) and (4), the United States respectfully advises the Court of its decision to intervene in part and decline in part for the purposes of settlement.

Specifically, the United States and the State of New York intervened in this action with respect to civil claims predicated upon the following factual allegations (the "Covered Conduct): The United States and the State contends that ElderONE improperly enrolled non-qualifying individuals into a Program of All-Inclusive Care for the Elderly ("PACE Program") and improperly secured payments from Medicare and Medicaid for such home health services between January 2010 and February 2015.

As a result of the foregoing, the United States and the State of New York alleges that ElderONE knowingly submitted or caused to be submitted false claims for payment to the Medicaid and Medicare programs.

The United States and the State of New York declines intervention with respect to all other claims alleged in this action apart from those based upon the Covered Conduct.

Under the terms and conditions of the settlement agreement among the parties, the United States, the State of New York and Relator will file a Stipulation of Dismissal following the settlement payment from the defendants.

In light of the settlement agreement reached among the parties, the United States and the State of New York do not presently intend to file a complaint in intervention but reserves the right to seek leave to file such a complaint in the event that the Defendants do not pay the full settlement amount consistent with the terms of the settlement agreement.

The United States respectfully requests all other filings in this matter be unsealed. A Proposed Order is filed herewith.

Respectfully submitted,

JAMES P. KENNEDY, JR.
United States Attorney

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